

Nigeria

NIGERIANS WITH DISABILITY DECREE 1993

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

SECTION I

GENERAL PRINCIPLES

(a) The purpose of this Decree is to provide a clear and comprehensive legal protection and security for Nigerians with disability as well as establish standard for enforcement of the rights and privileges guaranteed under this decrees and other laws applicable to the disabled in the Federal Republic of Nigeria.

SECTION 2

DECLARATION OF POLICY

(1) Disabled persons shall.. be guaranteed treatment as equals to other Nigerians for all purposes in the Federal Republic of Nigeria. Accordingly it shall be the duty and responsibility of organs of government and of all authorities and persons to adopt and promote policies that will ensure full integration of the disabled into the mainstream of the society.

(2) Government shall ensure within the context of economic, political and social idea and objectives to Nigerians that:

(a) Disabled persons are fully integrated into the national economy.

(b) Disabled persons shall have equal rights, privileges, obligations and oppurtuni,ties before the law.

(c) Disabled persons are provided equal and adequate education.

SECTION 3

INTERPRETATION

In this Decree, unless it is otherwise expressly provided:

"Commission" means National Commission for people with Disability

"Disabled person" means a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards.

SECTION 4

RIGHTS AND PRIVILEGES OF PERSONS WITH DISABILITY

1. HEALTH SERVICES

- (a) Disabled persons shall be provided in all public health institutions free medical and health services including general medical needs.
 - (b) Where disability is suspected in the course of medical treatment it shall be the duty of all health institutions to provide and submit to the commission a monthly preliminary certificate of Disability (PCD) which shall last for not later than 180 days.
 - (c) A preliminary certificate of Disability upon acknowledgment by the commission shall entitle a health institution to compensation for all health services to the disabled.
 - (d) Upon the recommendation of a treating physician, a disabled person shall be entitled to a permanent Disability Certificate (PDC) which shall make a person so qualified a disabled person entitled to all the rights and privileges under this Decree.
- (2) The purchase, importation transfer or gift of health materials to a disabled person shall not be subject to any tax, duties, surcharges or levies whatsoever.

SECTION 5

EDUCATION

- (1) Disabled persons shall be provided in all public educational institutions free education at all levels.
- (2) Government organs and authorities shall ensure (1) Adequate training for personnel to cater for the educational development of the disabled in educational institutions. (2) Vocational training to develop skills. (3) Government organs and authorities shall;

(1) Take into consideration the special needs and requirements of the disabled in the formulation, design of educational policies and programs .

(2) Ensure structural adaptation of all educational institutions to the needs of the disabled as much as possible.

(3) Promote specialised institutions that will facilitate research and development of educational of the disabled.

(4) Government shall promote;

(1) The establishment of special schools with appropriate curriculum designed for different disability conditions.

(2) The training and in-service training of teachers suited for different disabilities.

1. Improvement of facilities and equipment in educational institutions to facilitate the education of the disabled.
2. The Establishment of a National Institute of special Education to cope with the increasing research and development in the education of the disabled.
3. The strengthening of cooperation and collaboration among relevant authorities, organs, institutions to ensure early and coordinated education of the disabled.
4. Interaction and exchange between disabled children in special schools and children in ordinary schools.
5. Improvement of university education facilities to ensure maximum benefit of university education for the disabled.

(5) Government shall ensure that not less than 10% of all educational expenditures are committed to the education needs of the disabled at all levels.

SECTION 6

VOCATIONAL RERABILITATION AND EMPLOYMENT

(1) Government shall take measures to promote the employment of the disabled: Accordingly:,

- a. Vocational rehabilitation centres to develop and enhance the skills and potentials of persons with disability shall established in all local government areas.
- b. Training programs shall be established to develop vocational skills.
- c. Vocational guidance and counselling shall be available to the disabled.

(2) All employers of labour shall reserve for the disabled not less than 10% of the work force.

(3) At least 10% of all fund allocation to training and personal development shall be reserved by employers of labour for the disabled.

(4) A disabled person shall not by reason only that he is such a person be subjected to any disability or conditions by any employer.

(5) Private employers who employ disabled persons either as regular employees, apprentice or learner on full time basis shall be entitled to tax deduction of fifteen percent (15%) of all payable tax upon proof to Internal Revenue Department.

SECTION 7

HOUSING

(1) Government shall ensure at all times that all policy guidelines for housing take into consideration the needs of the disabled.

2. Government shall within the national housing policy provide:

- a. Reasonable subsidised accommodation for the disabled.
- b. Apportion to the disabled not less than 10% of all public houses.
- c. Improvement of existing housing facilities in order to render them accessible to the disabled.

SECTION 8

ACCESSIBILITY

(1) Accessibility public institutions and facilities are hereby guaranteed to the disabled.

(2) It shall be the responsibility of all organs in the Federal Republic of Nigeria to provide for the disabled;

(a) Access and adequate mobility within its facilities.

(b) Suitable exits for the disabled.

SECTION 9

TRANSPORTATION

(1) A Disabled person shall be entitled to free transportation by bus, rail or any other conveyance (other than air travel) that serves the general public needs.

(2) All public transport system shall take steps to adapt required fittings for needs of the disabled.

(3) Priority shall be given to the disabled in all publicly supported transport system. Accordingly reasonable number of seats shall be reserved solely for the use of the disabled.

SECTION 10

SUPPORTIVE SOCIAL SERVICES

1. Government shall provide auxiliary social services where appropriate to the disabled. Towards this end assistance shall be given in all way appropriate:

(a) In the acquisition of prosthetic devises and medical speciality services.

(b) In providing specialised training activities to improve functional limitations.

(c) In developing appropriate counselling and orientation to improve self-image.

(d) In developing program to assist the families of the disabled to adjust to disability.

(e) In providing appropriate follow-up services for the rehabilitation of the disabled.

(d) In assisting with child care services for the children of the disabled.

SECTION 11

SPORTS AND RECREATION

(1) All public and private sports facilities shall be accessible to the disabled. Accordingly the appropriate authorities and organs shall ensure that:

(a) The disabled is not discriminated against in all sporting and rehabilitational facilities.

(b) At least 10% percent of all funds committed to sports and recreational activities are used for the development of the recreation and sports of the disabled.

(c) Proper and necessary training of specialists on disabled sports and games is provided.

(d) Improvement of existing facilities and equipment taking into consideration the nature of disability are undertaken.

SECTION 12

TELECOMMUNICATIONS

Priority access to the telephone and other media and telecommunication facilities in the Federal Republic of Nigeria guaranteed to the disabled under this Act. Accordingly at the coming into effect of this Act:

(a) Television stations shall provide sign language inset or substitutes in at least one major newscast program each day and in all special programs of national significance.

(b) All telephone companies shall provide at reasonable price special telephone devices for the hearing-impaired.

(c) Postal agencies shall provide for disabled persons free postal services for all materials to aid the learning or improvement of the disabled.

(ii), Aids and orthopedic devices for the disabled sent by mail.

Provided that the aforementioned items are solely for personal use of the disabled.

SECTION 13

VOTING ACCESS

1. A Disabled person shall have the right of assistance by a person of his choice to vote at the Federal Republic of Nigeria.
2. The National Electoral Commission shall make polling places available and accessible to the disabled in all elections.

(3) Government shall respect and protect the civil liberty of the disabled to

(i) Free assembly for political purposes and other lawful purposes.

(ii) Free association to protect their welfare and interests.

(iii) Vote and be voted for in all elections.

SECTION 14

LEGAL SERVICES

Government shall provide public and private funding support for legal clinics for the disabled.

ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PEOPLE WITH DISABILITIES

There is hereby established a body to be known as the National Commission for people with Disability, the Commission shall be a body corporate with perpetual succession and a common seal and may sue in its corporate name.

OBJECTIVES OF THE COMMISSION

- (a) Promote the welfare of the Disabled in general
- (b) Promote the full utilisation of the Disabled in the development of human resources and to bring about their acceptance as full participants in every phrase of national economy and development with equal rights and corresponding obligations.
- (c) Stimulate and encourage actions that will improve the Civic Political, Cultural, Social and Economic education of the disabled.
- (d) Play a co-ordinating role between government and the Disabled Nigerians.
- (e) Work towards total elimination of all social and cultural practices-tending to discriminate against and dehumanise the disabled.
- (f) Co-ordinate in the various states of the Federation to promote government efforts to enhance the integration of the disabled into the Community.
- (g) Enforce the rights of the disabled in any existing legislation in all ways deemed proper and appropriate.

MEMBERSHIP OF THE COMMISSION

The commission shall consist of the following members:

- (a) A full time or part time Chairman who shall be a disabled person-appointed by the President and Commander in Chief of Armed Forces.
- (b)

(i) One representative of each of the following,

Ministries of Health-and Human services, Education, Labour and Productivity, National Sports Commission, Nigeria Labour Congress, N.E.C.A, Spinal Cord Injuries Association of Nigeria or Spinal Injuries Association of Nigeria, Federal Nigeria Society for the Blind, National Advisory Council for the Deaf, and

(ii) one person representing each of the following disabled community:

(a) Visually Impaired Organisations

(b) Hearing and Speech Impaired Organisations

(c) Mentally Impaired Organisations

(d) Mobility Impaired Organisations

(iii) One Legal Practitioner.

(c) The Commission shall have power to make recommendations for the periodic review of membership of the Commission from time to time.

TENURE OF OFFICE

1. The Chairman of the Commission shall hold office for a period of 2 years and shall be eligible for re-appointment for a further term of 2 years.

2. A member of the Commission shall hold office for a term of 2 years from the date of his appointment and shall be eligible for a further period of 2 years .

3. The office of any Chairman of the Commission shall become vacant if :

- a. He resigns voluntarily by notice in writing, addressed to the Minister in Charge of the disabled persons affairs.
- b. The office of any other member of the Commission shall become vacant if he resigns voluntarily by notice in writing addressed to the Chairman of the Commission.

(c) A member of the Commission shall be subject to removal upon a vote of 2/3 majority of all the members of the Commission calling for his removal and approved by the Minister.

(d) Where the office of the Chairman of the Commission becomes vacant the Commission shall elect one of their members for the unexpired term of the outgoing Chairman.

(e) Where vacancy occurs in the membership of the Commission it shall be filled by the majority vote of the members of the Commission for remainder of the term of the vacant office.

SPECIAL FUNCTIONS OF THE COMMISSION

Without prejudice of this Act the Commission shall in addition;

(a) Develop programmes and projects within the National Development plans aimed at enhancing the status, development and acceptability of the disabled within the Community.

(b) Establish throughout the Federal Republic of Nigeria as appropriate, vocational educational and rehabilitation centres specially designed, to meet the needs of the disabled.

(c) Monitor the response of various governmental agencies and other bodies concerned with the welfare of the disabled.

c. Enforce through the legal process whenever necessary in collaboration with the appropriate agencies the rights that accrue to the disabled under the laws of Nigeria.

APPOINTMENT OF SECRETARY

a. There shall be appointed an Executive Secretary (hereinafter called "Secretary") by a majority vote from the list of applicants with sufficient knowledge of the rights of the disabled.

(b) The Secretary shall be the head of the Secretariat of the commission shall be responsible to the Chairman of the Commission.

(c) The Secretary shall be responsible for the daily administration of the Commission towards the achievement of the objectives of the Commission as well as the enforcement of the decisions and policies.

(d) The Commission shall have power to appoint such other staff as it may deem proper and necessary to assist the work of the Commission.

(e) All staff of the Commission shall come within the .-category of the public officers of the Federation as defined in the Constitution of the Federal Republic of Nigeria.

PROCEEDINGS AT MEETINGS

- a. The Commission shall work democratically such that;
 - 1. All decisions are reached by consensus of majority vote.
 - 2. Decisions of the Commission are binding on all members.
 - 3. Minority views are respected and recorded.
 - 4. The rights to fair hearing is guaranteed.
 - 5. Unless by invitation, a non-member shall not partake in its proceedings.
- a. The Quorum of any meeting shall be five.

COMMITTEES

- (a) The Commission shall have the power to set up any standing or ad-hoc Committee as it may deem proper and necessary to carry out specific assignment and report back to the Commission for its discussion and its decisions.
- (b) The Commission shall have the power to determine the quorum of any committee set up by it.

FUNDS

- 1. (a) The Commission shall maintain a fund out of which it will defray its expenditure and do such other things for the attainment of the objectives of the commission and the welfare of the disabled.
 - (b) All monies of the Commission shall be paid into its account or accounts as authorised by the Commission.
 - (c) The signatories to the account of the Commission shall be;
 - (1) a Chairman
 - (2) a Secretary
 - (3) and any other member appointed by the Commission.
 - (d) All monies accrued to the Commission from any source whatsoever shall be reported and accounted for.
- 2. For the purpose of its annual expenditure the Commission shall prepare not later than October in each year an estimate of all expenditures for the next succeeding year.

3. The accounts of the Commission shall be audited by an external auditor appointed by the Commission.

ANNUAL REPORTS

The Commission shall prepare an Annual Report of its activities which shall be presented to government and all governmental agencies involved in the works of the Commission.